

**REMARKS**

Claims 1-16 are pending. By this Amendment, Claim 3 is amended. Applicants respectfully submit no new material is presented herein.

**Entry of Response Being Proper**

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner as the amendment to Claim 3 presents features found in allowed Claim 1, which has already been considered by the Examiner; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

**Claims Rejected—35 U.S.C. § 102**

Claim 3 is rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,588,385 issued to Suzuki, et al, (hereinafter referred to as "Suzuki '385").

Claim 3 recites an outboard motor equipped with a water-cooled vertical engine having, among other features, a thermostat for controlling the flow of cooling water in a water jacket, the thermostat being provided in an upper wall of the engine and having a temperature sensitive portion located above an endless transmission member.

Suzuki '385 discloses a water-cooled internal combustion engine having a well 156 formed in a projecting portion of an upper surface of a cylinder block 29 in the area between driving and slack sides of an endless transmission member or belt 56. A thermostat 157 is positioned within the well 156 with an outer flange 158 of the thermostat 157 clamped between an upper surface of the projecting portion and a

thermostat housing 159 that is fixed to the cylinder block 29 in the region between the driving and slack sides of the endless transmission member or belt 56. See Suzuki '385, column 9 lines 59-68 and Figure 3.

However, while Figure 3 of Suzuki '385 discloses a portion of the thermostat 157 extending above the endless transmission member 56, Suzuki '385 does not disclose a temperature sensitive portion of the thermostat 157 located above the endless transmission member 157. Therefore, Suzuki '385 does not disclose or suggest each and every feature recited by Claim 3.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) and M.P.E.P. § 2131.

As explained above, Suzuki '385 does not disclose or suggest each and every feature recited by Claim 3. Therefore, Applicants respectfully submit Claim 3 is not anticipated by, or rendered obvious in view of Suzuki '385, and should be deemed allowable.

Claim 12 depends from Claim 3. Therefore, Applicants respectfully submit Claim 12 should be deemed allowable for the same reasons Claim 3 is allowable, as well as for the additional subject matter recited therein.

Accordingly, Applicants respectfully request withdrawal of the rejection.

### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejection, allowance of Claims 1-16, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348-00367**.

Respectfully submitted,  
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